



Wichita Public Schools · USD 259
Clerk of the Board's Office
201 North Water
Wichita KS 67202
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boe.usd259.org

June 13, 2013

Carlton Purvis
Filed via MuckRock.com
c/o MuckRock News
Dept MR 5609
P.O. Box 55819
Boston MA 02205-5819

Re: Request #1 letter dated May 9, 2013 and received via U.S. Mail on May 13, 2013
and Request #2 letter dated June 5, 2013 and received via U.S. Mail on June 10, 2013.

Dear Carlton:

I reviewed your request #1 letter, which stated:

"...Pursuant to the Kansas Open Records Act (K.S.A. 45-215), I hereby request the following records: A full copy of all contracts and written agreements between Wichita Public Schools and Aventura Technologies, Inc. approved by the school board on May 6, 2013 and a complete bidding summary for the project. I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage. In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not. Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 3 business days, as the statute requires..."

On May 16th, 2013, I responded:

☒ Requested material is not maintained as a record by the school district.

Explanation: There is no contract nor written agreement between Wichita Public Schools and Aventura Technologies. The district will purchase equipment and services from Aventura Technologies using Aventura Technologies' contract under General Services Administration (GSA) contract GS-07F0391V.

Wichita Public Schools response letter continues on page 2 >>>

Response letter from Wichita Public Schools (Continued)

At this time, I have reviewed your request #2 letter, which stated: "...I'd like to amend this request to read: Pursuant to the Kansas Open Records Act (K.S.A. 42-215), I hereby request the following records: The equipment list of items USD 259 is purchasing using GSA Contract GS-07F-0391V, for the security upgrade project the Board of Education approved on May 6, 2013..."

My initial response is:

☒ Access to requested material is denied under excluded or exempted definition of KORA. See explanation.

Explanation: K.S.A. 45-221 states: "Certain records are not required to be open... (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose: ... (12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for generation of transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility... (45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services... if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments." The district's decision to deny request #2 is based on the above exemptions provided in the Kansas Open Records Act.

For general information on the district's KORA fees, please see 2012-13 USD 259 Fees below. These fees do not apply to your above request. Thank you.

Sincerely,

Mike Willome

Mike Willome, Ed.D.

Cc: Tom Powell, Board Counsel
Darren Muci, Division Director of Operations, and Purchasing Department staff
Cathy Barbieri, Chief Information Officer, and Information Services and Technology staff

2012-13 USD 259 Fees: The Kansas Open Records Act allows a district to charge a fee for providing access to or furnishing copies of public records. Effective July 17, 2012, USD 259's charges to fulfill KORA requests are as follows: \$25 per hour for staff time excluding time spent copying records and excluding time for programming or running queries to access records maintained in an electronic format; actual hourly rate for staff time spent in programming or running queries to access records maintained electronically, and/or 25¢ per page including staff time in making copies. Fees will be collected in advance and deposited with the district office that is the custodian of the records. Staff work to fulfill a request officially begins when the request is paid. The district offers two payment options. A check payable to USD 259 (Memo line: KORA fee) can be mailed to the Clerk of the Board's address at the top of this letter. Credit/debit card payment is available with the USD 259 Cashier, Room 612, Alvin E. Morris Administrative Center, 201 N. Water, downtown Wichita. Cashier's phone: 316-973-4520.

This response to your request is guided by the Kansas Open Records Act (K.S.A. § 45-215 and 45-230). KORA and BOE Policy 2115 – Access to Public Records describe steps you can take if you have concerns about this response.

Please see P2115 on the BOE Policies at <http://boe.usd259.org> for the policy and Kansas statute.

You may also contact the Clerk of the Board's office at 316-973-4553 for more information.